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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LIN, JASON K

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/765,491	Applicant(s) STEWART, CHRISTOPHER	
	Examiner Jason K. Lin	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13,38,39 and 49-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13,38,39 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive amendment to application No. 10/765,491 filed on 09/13/2007. **Claims 1-13, 38-39, and 49-56** are pending and have been examined.

Claim Objections

2. **Claim 38** is objected to because of the following informalities: On P. 5, claim 11 states "and stream the selected entertain file to the user output device". Please change to – and stream the selected entertainment file to the user output device --. Appropriate correction is required.

Response to Arguments

3. Applicant's arguments with respect to **claims 1-13, 38-41, 49-50** have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground(s) of rejection has been made, a response to some of the applicant's remarks is deemed necessary.

First note that the additions in **claim 38** is worded and claimed differently than that of **claim 55**, therefore they are not grouped together in this response. **Claim 38** has been rejected separately and the rejection can be found in the office action below. This response is intended for **claim 55**, and only addresses limitations argued that pertain to the claimed limitations of **claim 55**. In P.10: lines 5-30 of applicant's remarks, the applicant asserts that "Second, in Durden the receiver blocks a certain scene based on the user profile whereas in the claimed invention the user uses the input device to block the streaming entertainment file". The examiner respectfully disagrees. Nowhere in claim 55 or claim 1 which claim 55 depends on, specifically claims that the user uses

the input device to block the streaming entertainment file. What is claimed is wherein if the current streaming entertainment file has been blocked by the user. In addition, even if it was claimed, Paragraph 0010 and 0089 of Durden teaches the user is able to specify parts of content he wishes to not be presented, thereby blocking unwanted content. Since the user is able to select and specify content that he does not want to be presented, the user inherently has an input device to carry out the corresponding actions cited above.

The applicant further asserts, "Lastly, this alternate audio or video channel/stream does not have a rating lower than that of the blocked content. First, lower and higher as indicative of specific user preference has no meaning in a classic movie rating system; PG, PG-13, R and X indicate different categories of movies. A user may prefer some R movies over some PG-13 movies and vice-versa. Second if anything, the alternate channel/stream is more preferred not less to the user parent that is forcing it to be substituted for the inappropriate content." The examiner respectfully disagrees. The way claim 55 is worded "a higher rating", "the next highest entertainment file having a rating equal to or less than the current entertainment file" does not clearly tie it back to the user rating information that is claimed in claim 1. Therefore, the way claim 55 is worded does not preclude the system to have additional rating system where files can additionally be chosen based on a classic movie rating system. As per the rejection stated in claim 55, Paragraph 0011, 0098 of Durden teaches blocking the currently streamed file and substituting the blocked file for an alternate channel/stream. This substituted file does in fact have a lower rating than the

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blocked file, because it can be shown to the user since the blocked file was blocked because of a high rating of 'R'. Again the way claim 55 is worded, it does not limit the "higher rating" and "a rating equal to or less than" to just ratings specific to user preference, and therefore a classic movie rating system can additionally be added to further increase great functionality of the overall system.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-13, 49, and 51-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyal (7,228,305) in view of Stumphauzer, II (US 2003/0014767).

Consider **claim 1**, Eyal teaches an interactive entertainment system comprising:

a system server, said system server residing at a communication center
(Col 12: lines 9-23 teaches a server {system server} at a media site {communication center});

a system database, said system database residing at the communication center and accessible by the system server (Fig.4, 12; Col 11: lines 13-25 and

Col 29: lines 8-12 teaches a database. Col 12: lines 9-23 teaches a server resident at a media site);

a plurality of entertainment files stored on the system database (Col 12: lines 9-24), where the system server retrieves the plurality of entertainment files for streaming transmission in a communication network (Col 11: lines 54-56, Col 12: lines 1-3, 9-23).

user rating information for said entertainment files for at least one user stored on the system database (Col 29: lines 8-12, 34-36, 56-60).

a receiver (Col 8: lines 46-49, Col 10: lines 42-65);

a user input device, where said user input device enables a user to interact with the system server and the system database via the receiver, where the user provides real time feedback regarding the user rating of said streaming entertainment file that is transmitted to the communication center via a second communication network to update the user rating information stored on the system database for retrieval during subsequent streaming (Col 37: lines 14-27 teaches a user interface 1900 – Fig.21 that allows a user to rate a media resource during or after it is played back on the user terminal 210 – Fig.20. The rating is received by rating component 1030-Fig.12 and updates the rating for the media resource. Col 6: lines 9-21 and Col 10: lines 29-41 teaches a rating system and an internet network architecture to carry out system. Col 29: lines 29-30 teaches allowing the client to retrieve rating information stored on the

database. *It is inherent that there is a user input device in order for the system to receive feedback from the user as taught by the sections cited); and*

a user output device, where said output device plays streaming entertainment file (Col 8: lines 46-49, Col 10: lines 42-65).

Eyal does not explicitly teach where the system server retrieves the plurality of entertainment files for streaming transmission over a respective plurality of channels in a first communication network;

where the system server retrieves the user rating information for streaming transmission in a first communication network;

where the receiver receives the user rating information and is selectively tuned to one of said plurality of channels in the first communication network based on the user rating information to retrieve a preferred streaming entertainment file;

said output device plays the preferred streaming entertainment file.

In an analogous art Stumphauzer, teaches where a system server retrieves a plurality of entertainment files for streaming transmission over a respective plurality of channels in a first communication network (Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1. The channels may contain different genre types of content. Paragraph 0015 teaches that programming can be any type of programming such as music, radio shows, television programs, etc.);

where the system server retrieves user rating information for streaming transmission in the first communication network (Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite);

where the receiver receives the user rating information (Paragraph 0034-0035) and is selectively tuned to one of said plurality of channels in the first communication network based on the user rating information to retrieve a preferred streaming entertainment file (Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content);

output device plays the preferred streaming entertainment file (Paragraph 0049-0050 teaches tuning to the preferred content. Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig.2 and Paragraph 0020 teaches a display 2160 - Fig.2 and input/output device(s) 2170 - Fig.2).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Eyal's system to include where the system server retrieves the plurality of entertainment files for streaming transmission over a respective plurality of channels in a first communication network; where a system server retrieves user rating information for streaming transmission in the first

communication network; where the receiver receives the user rating information and is selectively tuned to one of said plurality of channels in the first communication network based on the user rating information to retrieve a preferred streaming entertainment file; output device plays the preferred streaming entertainment file, as taught by Stumphauzer, for the advantage of supplying a larger variety of content to users simultaneously on bandwidth available and freeing the user from the burden of manually flipping through channels by having the system automatically seek and tune to desired selections (Stumphauzer - Paragraph 0003).

Consider **claim 49**, Eyal teaches a method of transmitting entertainment files through a receiver comprising the steps of:

- a. storing a plurality of entertainment files and user rating information for at least one user on a database (Fig.4, 12; Col 11: lines 13-25 and Col 29: lines 8-12 teaches a database. Col 12: lines 9-24 teaches entertainment files stored on the system database. Col 29: lines 8-12, 34-36, 56-60 teaches user rating information stored on the system database;
- c. streaming a plurality of entertainment files to the receiver via a communication network (Col 11: lines 54-56, Col 12: lines 1-3, 9-23);
- e. directing the streaming entertainment file from the receiver output to a user output device that plays the streaming entertainment file (Col 8: lines 46-49, Col 10: lines 42-65); and

f. providing real time user feedback regarding the user rating of said streaming entertainment file (Col 37: lines 14-27 teaches a user interface 1900 – Fig.21 that allows a user to rate a media resource during or after it is played back on the user terminal 210 – Fig.20. The rating is received by rating component 1030-Fig.12 and updates the rating for the media resource); and

g. transmitting the user feedback via a second communication network to update the user rating information stored on the database for subsequent streaming (Col 37: lines 14-27 teaches a user interface 1900 – Fig.21 that allows a user to rate a media resource during or after it is played back on the user terminal 210 – Fig.20. The rating is received by rating component 1030-Fig.12 and updates the rating for the media resource. Col 6: lines 9-21 and Col 10: lines 29-41 teaches a rating system and an internet network architecture to carry out system. Col 29: lines 29-30 teaches allowing the client to retrieve rating information stored on the database).

Eyal does not explicitly teach, b. streaming the user rating information via first communications network to the receiver;

c. streaming a plurality of entertainment files on a respective plurality of channels to the receiver via the first communication network;

d. selectively tuning an input of the receiver to one of said channels to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output.

In an analogous art Stumphauzer teaches, b. streaming user rating information via first communications network to a receiver (Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite);

c. streaming a plurality of entertainment files on a respective plurality of channels to the receiver via the first communication network (Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1. The channels may contain different genre types of content. Paragraph 0015 teaches that programming can be any type of programming such as music, radio shows, television programs, etc.);

d. selectively tuning an input of the receiver to one of said channels to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output (Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Eyal's system to include, b. streaming user rating information via first communications network to a receiver; c. streaming a plurality of entertainment files on a respective plurality of channels to the receiver via the first communication network; d. selectively tuning an input of the receiver to one

of said channels to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output, as taught by Stumphauzer, for the advantage of supplying a larger variety of content to users simultaneously on bandwidth available and freeing the user from the burden of manually flipping through channels by having the system automatically seek and tune to desired selections (Stumphauzer - Paragraph 0003).

Consider **claim 2**, Eyal and Stumphauzer teach said plurality of entertainment files contain audio content (Eyal – Col 11: lines 16-32 teaches media that includes, but is not limited to a combination of audio and/or video, movie clips, recordings, animations, television or radio programming, etc. Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 3**, Eyal and Stumphauzer teach said plurality of entertainment files contain video content (Eyal – Col 11: lines 16-32 teaches media that includes, but is not limited to a combination of audio and/or video, movie clips, recordings, animations, television or radio programming, etc. Stumphauzer - Paragraph 0015 teaches programming can be any type of

programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 4**, Eyal and Stumphauzer teach said plurality of entertainment files contain both video and audio content (Eyal – Col 11: lines 16-32 teaches media that includes, but is not limited to a combination of audio and/or video, movie clips, recordings, animations, television or radio programming, etc. Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 5**, Eyal and Stumphauzer teach said audio content includes songs (Eyal – Col 11: lines 16-32 teaches media that includes, but is not limited to a combination of audio and/or video, movie clips, recordings, animations, television or radio programming, etc. Col 19: lines 54-56 teaches music with different genres. Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 6**, Eyal and Stumphauzer teach said songs include a plurality of music genres (Eyal – Col 11: lines 16-32 teaches media that includes, but is not limited to a combination of audio and/or video, movie clips, recordings,

animations, television or radio programming, etc. Col 19: lines 54-56 teaches music with different genres such as rock, classical, and jazz).

Consider **claim 7**, Stumphauzer further teaches a plurality of music genres are categorized (Paragraph 0028 teaches that a specific selection of songs could be “artists from the eighties, or baroque classical music.” Paragraph 0029 teaches music can be ranked with numbers, with the higher number taking precedence over the smaller one. As shown on Fig. 6, the plurality of music can be prioritized according to rank selections Fig. 6, 6070, thereby categorized by rank) and streamed for listening through the user output device (Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig. 2 and paragraph 0020 teaches a display Fig.2, 2160 and input/output device(s) Fig.2, 2170).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Eyal and Stumphauzer to include a plurality of music genres are categorized and streamed for listening through the user output device, as further taught by Stumphauzer, for the advantage of organizing content to provide the user desired playback in an efficient manner.

Consider **claim 8**, Eyal and Stumphauzer teach said video and audio content includes televised programming (Eyal – Col 11: lines 16-32 teaches media that includes, but is not limited to a combination of audio and/or video,

movie clips, recordings, animations, television or radio programming, etc.

Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 9**, Eyal and Stumphauzer teach said reception device provides two way communications between the user and the system server via a bi-directional network that includes the first and second communication networks (Eyal – Col 9: lines 1-8 and Col 12: lines 18-24 teaches streaming media to the receiver. Col 37: lines 14-27, Col 6: lines 9-21 and Col 10: lines 29-41 teaches allowing the user to rate the media file and update the rating stored at the server database, where feedback is done via an internet network. Stumphauzer - Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1).

Consider **claim 10**, Eyal and Stumphauzer teach where said first and second communication networks are different networks (Eyal - Col 37: lines 14-27, Col 6: lines 9-21 and Col 10: lines 29-41 teaches allowing the user to rate the media file and update the rating stored at the server database, where feedback is done via an internet network. Stumphauzer - Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1).

Consider **claim 11**, Eyal and Stumphauzer teach where said first communication network is a satellite broadcasting system (Stumphauzer - Paragraph 0015 and 0017 teaches a satellite Fig.1, 1020 that is used to relay/broadcast programming to users).

Consider **claim 12**, Eyal and Stumphauzer teach where the second communication network is an internet connection (Eyal - Col 37: lines 14-27, Col 6: lines 9-21 and Col 10: lines 29-41 teaches allowing the user to rate the media file and update the rating stored at the server database, where feedback is done via an internet network).

Consider **claim 13**, Stumphauzer further teaches said reception device includes a user database (Stumphauzer - Paragraph 0020 teaches a storage device Fig.2, 2180 at the receiver that contains a user playlist).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Eyal and Stumphauzer to include said reception device includes a user database, as further taught by Stumphauzer, for the advantage of providing efficient and instant access to data for the user.

Consider **claim 51**, Eyal and Stumphauzer teach that said user rating information comprise ratings assigned by that user to said entertainment files (Stumphauzer - Paragraph 0029 teaches a ranking for each program on the user

playlist), said receiver reviewing the currently streaming entertainment files, ranking those files based upon their ratings and retrieving the file that meets user's preferences (Paragraph 0022 teaches the PDT contains information about programming currently being broadcast and to be broadcasted on each channel. Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content).

Consider **claim 52**, Eyal and Stumphauzer teach that said receiver reviews a current entertainment guide provided for the streaming entertainment files to rank the files (Stumphauzer - Paragraph 0022 teaches the PDT contains information about programming currently being broadcast and to be broadcasted on each channel. Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content).

Consider **claim 53**, Eyal and Stumphauzer teach that said current entertainment guide is transmitted over the first communication network (Stumphauzer - Paragraph 0021 teaches transmitting channels of programming over a satellite Fig.1, 1020, as several clusters. Paragraph 0022 teaches that the

PDT that contains information about programming currently being broadcast and to be broadcast on each channel is provided in each cluster).

Consider **claim 54**, Eyal and Stumphauzer teach that said receiver first determines if the streaming entertainment file on the current channel has an acceptable rating and if acceptable continues to stream that entertainment file to the user output device (Stumphauzer - Paragraph 0049-0050 teaches if a rating of the current file is acceptable, the current program continues to play), otherwise said receiver selects another higher rated entertainment file, tunes to the corresponding channel and streams that higher rated entertainment file to the user output device (Stumphauzer - Paragraph 0049-0050 teaches that if the program currently played can be interrupted, the higher ranked program will automatically tuned to. Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig. 2 and paragraph 0020 teaches a display Fig.2, 2160 and input/output device(s) Fig.2, 2170).

6. **Claims 38 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyal (7,228,305), in view of Stumphauzer, II (US 2003/0014767), and further in view of Luehrs (US 2003/0163811).

Consider **claim 38**, Eyal teaches an entertainment system that enables the selective transfer of entertainment files comprising:

a system server, said system server residing at a communication center (Col 12: lines 9-23 teaches a server {system server} at a media site {communication center});

a system database, said system database residing at the communication center and accessible by the system server (Fig.4, 12; Col 11: lines 13-25 and Col 29: lines 8-12 teaches a database. Col 12: lines 9-23 teaches a server resident at a media site);

a plurality of entertainment files stored on the system database (Col 12: lines 9-24), where the system server retrieves the plurality of entertainment files for streaming transmission over a communication network (Col 11: lines 54-56, Col 12: lines 1-3, 9-23);

a receiver (Col 8: lines 46-49, Col 10: lines 42-65);

a user output device, where said output device plays the streaming entertainment file (Col 8: lines 46-49, Col 10: lines 42-65); and

a user input device (Col 37: lines 14-27 allows the user to provide feedback regarding streaming entertainment files. *It is inherent that there is a user input device in order for the system to receive feedback from the user as taught by the sections cited*);

Eyal does not explicitly teach where the system server retrieves the plurality of entertainment files for streaming transmission over a plurality of channels in a first communication network;

where the receiver reviews a current entertainment guide for the streaming files, ranks those files based upon user rating information assigned by the user and retrieves a files that meets a user's preferences via the first communication network;

a user output device, where said output device plays the retrieved streaming entertainment file; and

where said user input device enables a user to block play of the retrieved and currently streaming entertainment file causing the receiver to first try to select another entertainment file having a higher rating than the blocked file and if unsuccessful to select the next highest entertainment file having a rating equal to or less than the blocked file, tune to the corresponding channel and stream the selected entertain file to the user output device.

In an analogous art Stumphauzer teaches, where a system server retrieves a plurality of entertainment files for streaming transmission over a plurality of channels in a first communication network (Paragraph 0021 teaches numerous channels transmitted from satellite 1020 - Fig.1 to a receiver 1040 - Fig.1. The channels may contain different genre types of content. Paragraph 0015 teaches that programming can be any tytpe of programming such as music, radio shows, television programs, etc.);

where a receiver reviews a current entertainment guide for the streaming files, ranks those files based upon user rating information assigned by the user and retrieves a files that meets a user's preferences via the first communication

network (Paragraph 0022 teaches the PDT contains information about programming currently being broadcast and to be broadcasted on each channel. Paragraph 0046-0050 teaches automatically to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content);

a user output device, where said output device plays the retrieved streaming entertainment file (Paragraph 0049-0050 teaches tuning to the preferred content. Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig.2 and Paragraph 0020 teaches a display 2160 - Fig.2 and input/output device(s) 2170 - Fig.2).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Eyal's system to include where a system server retrieves a plurality of entertainment files for streaming transmission over a plurality of channels in a first communication network; where a receiver reviews a current entertainment guide for the streaming files, ranks those files based upon user rating information assigned by the user and retrieves a files that meets a user's preferences via the first communication network; a user output device, where said output device plays the retrieved streaming entertainment file, as taught by Stumphauzer, for the advantage of supplying a larger variety of content to users simultaneously on bandwidth available and freeing the user from the burden of manually flipping

through channels by having the system automatically seek and tune to desired selections (Stumphauzer - Paragraph 0003).

Eyal and Stumphauzer do not explicitly teach where said user input device enables a user to block play of the retrieved and currently streaming entertainment file causing the receiver to first try to select another entertainment file having a higher rating than the blocked file and if unsuccessful to select the next highest entertainment file having a rating equal to or less than the blocked file, tune to the corresponding channel and stream the selected entertain file to the user output device.

In an analogous art Luehrs teaches, where a user input device enables a user to block play of the retrieved and currently streaming entertainment file (Paragraph 0057, 0078, 0088 teaches a user input device 480 – Fig.5, that allows the user to control the receiver system, including enabling them to change channels via channel +/- buttons, number buttons 593 – Fig.5, etc. *In the case when the user is watching a program and decides to change the channel, the currently streaming entertainment file will be blocked from playing by the user {file is no longer shown on the display device}*) causing the receiver to first try to select another entertainment file having a higher rating than the blocked file and if unsuccessful to select the next highest entertainment file having a rating equal to or less than the blocked file, tune to the corresponding channel and stream the selected entertain file to the user output device (Paragraph 0094-0095, 0097, 0099 teaches allowing the administrator of the system to select a suitable MPAA

rating for a particular user profile authorizing them to be able to watch content matching the rating or lower. Paragraph 0117 teaches that in the case where the receiver attempts to access a channel {tune to} that is unauthorized media content for that particular user, the receiver automatically tunes to authorized media content that can be displayed, *ie: Something that matches the MPAA rating for that viewer profile*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Eyal and Stumphauzer to include where a user input device enables a user to block play of the retrieved and currently streaming entertainment file causing the receiver to first try to select another entertainment file having a higher rating than the blocked file and if unsuccessful to select the next highest entertainment file having a rating equal to or less than the blocked file, tune to the corresponding channel and stream the selected entertain file to the user output device, as taught by Luehrs, for the advantage of keeping the user entertained and occupied with more suitable material when the unwanted material is no longer shown.

Consider **claim 39**, Eyal, Stumphauzer, and Luehrs teaches wherein said user rating information is stored on the system database (Eyal - Col 29: lines 8-12, 34-36, 56-60; Stumphauzer - Paragraph 0032 teaches storing the playlist containing rating information for each desired song.) and retrieved for streaming transmission in the first communication network (Stumphauzer - Paragraph 0034-

0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods), said user input device enables a user to interact with the system server and the system database via the receiver, where the user provides real time feedback including blocking and rating said entertainment files to update the user rating information stored on the system database for retrieval during subsequent streaming (Luehrs - Paragraph 0057, 0078, 0088 teaches a user input device 480 – Fig.5, that allows the user to control the receiver system, Including enabling them to change channels via channel +/- buttons, number buttons 593 – Fig.5, etc. *In the case when the user is watching a program and decides to change the channel, the currently streaming entertainment file will be blocked from playing by the user {file is no longer shown on the display device}*. Eyal - Col 37: lines 14-27 teaches a user interface 1900 – Fig.21 that allows a user to rate a media resource during or after it is played back on the user terminal 210 – Fig.20. The rating is received by rating component 1030-Fig.12 and updates the rating for the media resource. Col 6: lines 9-21 and Col 10: lines 29-41 teaches a rating system and an internet network architecture to carry out system. Col 29: lines 29-30 teaches allowing the client to retrieve rating information stored on the database. *It is inherent that there is a user input device in order for the system to receive feedback from the user as taught by the sections cited*).

7. **Claims 50 and 56** are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyal (7,228,305), in view of Stumphauzer, II (US 2003/0014767), and further in view of Barret et al. (US 6,005,597).

Consider **claim 50**, Eyal and Stumphauzer teaches wherein said user feedback includes nothing (Eyal - Col 37: lines 14-27 teaches a user interface 1900 – Fig.21 that allows a user to rate a media resource during or after it is played back on the user terminal 210 – Fig.20. *It is inherent that there is a user input device in order for the system to receive feedback from the user as taught by the sections cited. Also the user is inherently able to choose to do nothing and not provide an input*) and rating the currently streaming entertainment file (Eyal - Col 37: lines 14-27 teaches a user interface 1900 – Fig.21 that allows a user to rate a media resource during or after it is played back on the user terminal 210 – Fig.20), said receiver responding to the do nothing or rating by continuing to stream the current entertainment file and responding to the-blocking by tuning to a next channel (The claim is worded in the alternative where the receiver provides a response to only one type of feedback. The examiner has chosen to examine the “do nothing” alternative. Eyal - Col 37: lines 14-27 teaches a user interface 1900 – Fig.21 that allows a user to voluntarily rate a media resource during or after it is played back on the user terminal 210 – Fig.20. *It is inherent that there is a user input device in order for the system to receive feedback from the user as taught by the sections cited. The user is able*

to do nothing and not provide an input and still have the content continue to be shown).

Eyal and Stumphauzer do not explicitly teach blocking the currently streaming entertainment file.

In an analogous art, Barrett teaches blocking the currently streaming entertainment file (Col 4: lines 20-23, col 7: lines 2-5 teaches changing the channel, thereby blocking the currently streaming file).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Eyal and Stumphauzer to include blocking the currently streaming entertainment file, as taught by Barrett, for the advantage of allowing the user to end programs that are no longer desired, providing the user with complete control over the content that is presented to them from their entertainment device.

Consider **claim 56**, Eyal and Stumphauzer teaches wherein said receiver is tuned to one said channel and streams the corresponding entertainment file to the user output device (Stumphauzer – Paragraph 0047 teaches the receiver is tuned to a channel and streams the entertainment file to the user), said user input device enables the user to do nothing (Eyal - Col 37: lines 14-27 teaches a user interface 1900 – Fig.21 that allows a user to rate a media resource during or after it is played back on the user terminal 210 – Fig.20. *It is inherent that there is a user input device in order for the system to receive feedback from the user*

as taught by the sections cited. Also the user is inherently able to choose to do nothing and not provide an input) and rate the currently streaming entertainment file (Eyal - Col 37: lines 14-27 teaches a user interface 1900 – Fig.21 that allows a user to rate a media resource during or after it is played back on the user terminal 210 – Fig.20), said receiver responding to the do nothing or rating by continuing to stream the current entertainment file (The claim is worded in the alternative where the receiver provides a response to only one type of feedback. The examiner has chosen to examine the “do nothing” alternative. Eyal - Col 37: lines 14-27 teaches a user interface 1900 – Fig.21 that allows a user to voluntarily rate a media resource during or after it is played back on the user terminal 210 – Fig.20. It is inherent that there is a user input device in order for the system to receive feedback from the user as taught by the sections cited. The user is able to do nothing and not provide an input and still have the content continue to be shown).

Eyal and Stumphauzer do not explicitly teach blocking the currently streaming entertainment file.

In an analogous art, Barrett teaches blocking the currently streaming entertainment file (Col 4: lines 20-23, col 7: lines 2-5 teaches changing the channel, thereby blocking the currently streaming file).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Eyal and Stumphauzer to include blocking the currently streaming entertainment file, as taught by Barrett, for the advantage of

allowing the user to end programs that are no longer desired, providing the user with complete control over the content that is presented to them from their entertainment device.

8. **Claim 55** is rejected under 35 U.S.C. 103(a) as being unpatentable over Eyal (7,228,305), in view of Stumphauzer, II (US 2003/0014767), and further in view of Durden et al. (US 2004/0250272).

Consider **claim 55**, Eyal and Stumphauzer fails to disclose wherein if the current streaming entertainment file has been blocked by the user and none of the other streaming files have a higher rating, said receiver selects the next highest entertainment file having a rating equal to or less than the current entertainment file, tunes to the corresponding channel and stream that next highest rated entertainment file to the user output device.

In an analogous art, Durden teaches wherein if the current streaming entertainment file has been blocked by the user and none of the other streaming files have a higher rating (Paragraph 0010, 0089 teaches the user specifying parts of content he wishes to not be presented), said receiver selects the next highest entertainment file having a rating equal to or less than the current entertainment file, tunes to the corresponding channel and streams that next highest rated entertainment file to the user output device (Paragraph 0011, 0098 teaches blocking the currently streamed file because of parental control settings, ie: the portion of content was rated R. The blocked file can be

substituted with an alternate channel/stream from the service provider. This alternate file that is shown contains a rating lower than that of the blocked content allowing it to be viewed by the user).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Eyal and Stumphauzer to include wherein if the current streaming entertainment file has been blocked by a user and none of the other streaming files have a higher rating, said receiver selects the next highest entertainment file having a rating equal to or less than the current entertainment file, tunes to the corresponding channel and stream that next highest rated entertainment file to the user output device, as taught by Durden, for the advantage of keeping the user entertained and occupied with more suitable material when the unwanted material is no longer shown.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason K. Lin whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Lin

12/21/2007


BRIAN PENDLETON
SUPERVISORY PATENT EXAMINER